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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/543,056	12/06/2007	Yasumasa Nakajima	Q89307	5690
65565	7590	04/14/2010		
SUGHRUE-265550			EXAMINER	
2100 PENNSYLVANIA AVE. NW			AGGARWAL, YOGESH K	
WASHINGTON, DC 20037-3213				
			ART UNIT	PAPER NUMBER
			2622	
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			04/14/2010	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/543,056

Applicant(s)

NAKAJIMA ET AL.

Examiner

YOGESH K. AGGARWAL

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8, 9, 19 and 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8 and 9 is/are rejected.
- 7) ☒ Claim(s) 19 and 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/GS/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Iijima et al. (US Patent # 6,621,524) in view of Schuetzle (US Patent # 6,762,791).

[Claim 8]

Iijima teaches a digital camera (figure 1) comprising:

A digital image unit (CCD 2) that generates a digital image based on an optical image of an object (col. 4 lines 34-45);

an internal memory (mask pattern memory 14B) in which an existing image is stored stored (col. 27 lines 6-8);

a selection receiving unit (24) that receives selection of the existing image stored in the internal memory (col. 27 lines 17-24);

an object image outputting unit that outputs the digital image to a memory card (col. 5 lines 15-23) and that relates the digital image to the selected existing image (col. 27 lines 25-38, figures 22C and 22D)

an existing image outputting unit that outputs the selected existing image to a memory card (col. 5 lines 15-23, col. 27 lines 25-38, figures 22C and 22D); and

Iijima fails to teach wherein the existing image is transferred before the digital image is outputted to a removable memory. However Schuetzle teaches that data attributes are stored in

the removable storage medium 35 (col. 7 lines 15-26, figure 1). Schuetzle further teaches that these attributes are any processing programs that process the digital image file for any kind of data processing operation (col. 5 lines 36-48). Schuetzle teaches that these attributes are associated with the image file during image capture as shown in figure 6a before the image file is stored in the removable memory (col. 6 lines 46-55). Therefore taking the combined teachings of Iijima and Schuetzle, it would be obvious to one skilled in the art at the time of the invention to have been motivated to have the existing image similar to attributes taught in Schuetzle to be stored in the removable memory before the digital image is stored in the removable memory so that it requires less time than if the image file is first captured since it is not necessary to wait for the image file to be stored prior to association of the attribute as taught in Schuetzle (col. 7 lines 3-7).

3. Claims 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Iijima et al. (US Patent # 6,621,524) in view of Nishi (US Patent # 6,249,313).

[Claim 9]

Iijima teaches a digital camera (figure 1) comprising:

A digital image unit (CCD 2) that generates a digital image based on an optical image of an object (col. 4 lines 34-45);

an internal memory (mask pattern memory 14B) in which an existing image is stored stored (col. 27 lines 6-8);

a selection receiving unit (24) that receives selection of the existing image stored in the internal memory (col. 27 lines 17-24);

an object image outputting unit that outputs the digital image to a memory card (col. 5 lines 15-23) and that relates the digital image to the selected existing image (col. 27 lines 25-38, figures 22C and 22D)

an existing image outputting unit that outputs the selected existing image to a memory card (col. 5 lines 15-23, col. 27 lines 25-38, figures 22C and 22D); and

Iijima fails to teach wherein the existing image is transferred before the digital image is outputted to a removable memory at each time of interchanging the removable memory. However Nishi teaches that when the memory card is full, warning is shown that the card is full so that a new card is inserted and the images are stored in the new card (figure 11).

Therefore taking the combined teachings of Iijima and Nishi, it would be obvious to one skilled in the art at the time of the invention to have been motivated to have the existing image is transferred before the digital image is outputted to a removable memory at each time of interchanging the removable memory in order to make space for a new existing image in the internal memory due to the limited space requirements of the internal memory thereby not losing the image data.

Allowable Subject Matter

4. Claims 19 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to YOGESH K. AGGARWAL whose telephone number is (571)272-7360. The examiner can normally be reached on M-F 9:00AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on (571)-272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Yogesh K Aggarwal/
Primary Examiner, Art Unit 2622